

branding was alleged for the reason that the retail packages in one of the cases were labeled: "Olive Oil Specially [Specialty] from Lucca," and the retail packages in the other case were labeled: "Extra Fine—Olive Oil—Guaranteed Absolutely Pure," when in truth and in fact said retail packages did not contain olive oil, but contained a product consisting largely of cottonseed oil which had been mixed and packed with and substituted for olive oil.

On December 22, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3359. Adulteration and misbranding of oil of sweet birch. U. S. v. 2 Cans of Oil of Sweet Birch. Tried to the court and a jury. Verdict for libelant. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 5369. I. S. No. 2336-h. S. No. 1968.)

On October 24, 1913, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cans of oil of sweet birch, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the State of Tennessee into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Muth Bros. & Co., Baltimore, Md. From M. G. Teaster."

Adulteration of the product was alleged in the libel for the reason that methyl salicylate had been mixed and packed with and substituted for oil of sweet birch in such manner as to reduce or lower or injuriously affect its quality and strength, and for the further reason that said oil of sweet birch had been colored in a manner to conceal inferiority. Misbranding was alleged for the reason that the product was sold as oil of sweet birch, when in fact it consisted of a mixture containing methyl salicylate.

On March 2, 1914, the case having come on for trial before the court and a jury, a verdict for the libelant was returned by the jury, and on April 3, 1914, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3360. Adulteration and misbranding of vinegar. U. S. v. 15 Cases, More or Less, of So-called Pure Cider Vinegar, and 37 Cases, More or Less, of So-called Pure Sugar Vinegar. Default decrees of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5397. I. S. Nos. 81-h, 82-h. S. No. 1989.)

On November 1, 1913, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15 cases, more or less, each containing 1 dozen bottles of so-called pure cider vinegar, and 37 cases, more or less, each containing 2 dozen bottles of so-called pure sugar vinegar, remaining unsold in the original unbroken packages at Kansas City, Kans., alleging that the product had been shipped on or about September 17, 1913, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 15 cases and the bottles therein contained were labeled: "Paragon Brand Pure Cider Vinegar—Put up by Kansas City Preserving Co., Kansas City, Mo." The 37 cases and the bottles therein contained were labeled: "Paragon Brand Pure Sugar Vinegar—Put up by Levi-

son Preserving Co., Kansas City, Mo.—Guaranteed by the Levison Preserving Co. under the Food and Drugs Act, June 30, 06.”

Adulteration of the products was alleged in the libels for the reason that they were not cider vinegar and sugar vinegar, respectively, but were adulterated in that said products consisted in whole or in part of distilled vinegar or dilute acetic acid which had been mixed and packed with and substituted for the pure products in such a manner as to reduce or lower or injuriously affect their quality and strength. Misbranding was alleged for the reason that to each case and each bottle was attached a brand or label in the words and figures set forth above, respectively, and that said labels were misleading and false and calculated to induce the purchaser to believe that said so-called cider vinegar and said so-called sugar vinegar were pure, when, in truth and in fact, the same were adulterated as hereinbefore set forth, and that by reason of said false and misleading brands or labels said cases and bottles contained therein and the products therein were subject to seizure and confiscation.

On January 12, 1914, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered and it was ordered by the court that the products should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914.*

3361. Adulteration and misbranding of oil of birch. U. S. v. 2 Packages of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5405. I. S. No. 140-h. S. No. 1994.)

On November 6, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 packages, containing approximately 118 pounds, of a product purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about October 1, 1913, and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no label except the name and address of the consignee and express data, but was invoiced by the shipper as birch oil.

Adulteration of the product was alleged in the libel for the reason that it was offered for sale as oil of birch, when, in fact, said product consisted largely of methyl salicylate, which was substituted for the pure oil. Misbranding was alleged for the reason that said product was offered for sale and invoiced by the shipper thereof as birch oil, whereas, in truth and in fact, the said product consisted largely of methyl salicylate, which was substituted for the pure oil.

On January 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914.*

3362. Adulteration of tomato catsup and purée. U. S. v. 16 Barrels, 6 Half Barrels, 12 Quarter Barrels, 2 Kegs, and 28 Cases of Adulterated Catsup, and 15 Cases of Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5438. I. S. Nos. 3025-h, 3026-h. S. No. 2018.)

On November 19, 1913, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on November 20, 1913, an